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10/079,674	02/19/2002	Maurizio Pilu	30012964-2	8655

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EXAMINER
CROSS, ALAN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/079,674	PILU, MAURIZIO
	Examiner	Art Unit
	Alan Cross	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *07 April 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25 and 27-57* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25 and 27-57* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25, 27-41, 43-51, 53-55 and 57 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Peppel, U.S. Patent No. 6,200,216 B1 in view of Morris,

et al., U.S. Patent No. 6,097,389. Peppel discloses a system and computer program

for displaying photographic images. The system includes a gaming console for playing

a video game (See Peppel col. 5 line 45). A communications means is provided for

connecting the gaming console to a wide area network (See Peppel col. 7 lines 3-7). A

domestic visual display unit displays at least one digitized photographic image data to a

user of the gaming console (See Peppel col. 4 lines 61-64; Fig. 7). A permanent data

store is connected to the wide area network. The permanent data store stores the

digitized photographic image data and comprises transmission means for transmitting

part or all of the digitized photographic image data to the gaming console (See Peppel

col. 5 lines 55-57; col. 7 lines 4-6). A portable digital data store resides in the gaming

console (See Peppel col. 11 lines 14-15). A viewing application program resides in the

gaming console. The viewing application program comprises a communications

program for receiving the digitized photographic image data from the permanent data

store. The viewing application program is arranged to configure the gaming console to

display the digitized photographic image data on the domestic visual display unit when

the digitized photographic image data has been received by the gaming console, the

viewing application program forwarding input selections made by the gaming controller

to a remote gaming console (See Peppel col. 6 lines 64-67; col. 7 lines 1-9), for

example emails sent from one game player to another with card information and

pictures. The system includes a remote gaming console, i.e. that of another player. A

remote display is coupled to the remote gaming console and a remote communications

means is used for connecting the remote gaming console to the wide area network (See

Peppel Figs. 2, 6; col. 7 lines 41-45). For example, two users may be at different

locations and each access the server from their individual computers; therefore, one

can be considered local and the other remote. The gaming console and the remote

gaming console communicate via the wide area network such that the remote gaming

console synchronizes and copies so that a user of the gaming console controls in real

time viewing of the digitized photographic image data displayed on the remote display,

and such that a second user views the digitized photographic image data on a remote

display (See Peppel col. 8 lines 48-57; col. 6 lines 56-57; col. 7 lines 8-26, 41-45; col. 8

lines 27-57) [claims 1, 19, 21, 48]. For example, a user at a local console can create a

card and/or upload it onto the server for display or for trading/selling etc for a limited

time. A second user at a remote console can then view the card based on the first user

uploading the card for display. Therefore, the second user can only display the card on

their console if the first user has allowed access to the card by placing it in a trading

area or an album, etc. and the card is able to be viewed at that limited time period, i.e.

real time. The domestic visual display unit and the remote unit can comprise a

television (See Peppel col. 5 line 49) [claims 2, 34, 35]. The viewing application

program is arranged to enable multiple images of the digitized photographic image data

to be displayed to the user simultaneously and a gaming controller of the gaming

console is arranged to enable the user to navigate through the multiple images (See

Peppel col. 7 lines 9-10; col. 12 lines 49-64) [claim 3]. The viewing application program

comprises a plurality of user-selectable digital effects algorithms for altering the

presentation of the digitized photographic image data on the domestic visual display unit

(See Peppel col. 10 lines 24-31) [claim 5]. The portable digital data store comprises a

plurality of user-selectable viewing application programs each program providing a

different algorithm for displaying the digitized photographic image data in a different way

on the domestic visual display unit (See Peppel col. 6 lines 16-18) [claims 6, 19]. For

example, the user can select to play a game, a game movie, a collection album, a

trading sequence etc; thereby, the display of these different activities are different.

Each program is arranged to provide a different photo enhancement of the digitized

image data (See Peppel col. 11 lines 22-41) [claims 7, 20]. The communication

program is arranged to transmit a user selection command to a remote party (See

Peppel col. 8 lines 53-55) [claim 8]. The gaming console comprises means for receiving

and digitizing a user's voice into voice data and the communications program is

arranged to transmit the voice data over the wide area network to a remote party (See

Peppel col. 4 lines 10-11) [claims 9, 36, 55]. The communications program is arranged

to implement compression of data to be transmitted and decompression of data

received via the communications means (See Peppel col. 1 lines 60-62) [claims 10, 16,

23]. The received data is password protected and the applet is arranged to enable

access to part or all of the received data once the user has input a correct password

associated with the received data (See Peppel col. 10 lines 31-35) [claims 18, 25, 41].

The remote gaming console comprises a remote digital data store, a remote viewing

application program and a remote communications program for receiving the digitized

photographic image data from the permanent data store via the wide area network. The

remote viewing application program is arranged to configure the remote gaming console

to display the digitized photographic image data on the remote display when the

digitized photographic image data has been received by the remote gaming console

(See Peppel col. 7 lines 3-26). For example, the remote gaming console can be

identical to the local gaming console in terms of its setup. The remote gaming console

comprises means for receiving and digitizing a third party's voice into voice data and the

remote communications program is arranged to transmit the voice data over the wide

area network to the gaming console (See Peppel col. 4 lines 10-11) [claim 15]. The

remote communications program comprises an applet for enabling two-way

communications between another remote gaming console of a third party and the

gaming console of the user (See Peppel col. 8 lines 48-57) [claim 17]. The gaming

console can receive and digitize the second user's voice into voice data and the

communications program is arranged to transmit the voice data over the wide area

network to the first user (See Peppel col. 4 lines 10-11) [claims 22, 37, 45]. The

transmitting can be over a telephone link or a modem (See Peppel col. 2 line 8; col. 14

lines 28-30) [claims 38, 39, 46, 47]. The digitized photographic image data is

communicated to the remote gaming console via a compact disk (See Peppel col. 11

lines 14-15) [claims 27, 40]. The digitized photographic image data is communicated to

the remote gaming console via the wide area network (See Peppel col. 5 lines 55-57)

[claims 28, 49]. Multiple pre-captured photographic images are displayed on a local

display using a local video gaming console in accordance with instructions from a user

of the local video gaming console. The pre-captured photographic images are

displayed on a remote display using a remote local video gaming console in accordance

with instructions from the user of the local video gaming console. The local video

gaming console and the remote gaming console communicate with each other such that

the remote video gaming console synchronizes and copies in real time the way in which

a user of the local video gaming console controls display of the pre-captured

photographic image on the local display, and such that the pre-captured photographic

image is displayed in real time on the remote display in accordance with control of the

local display (See Peppel col. 7 lines 3-26; col. 8 lines 27-57) [claims 29, 30, 43, 44, 53].

For example, a user at a local console can create a card and/or upload it onto the

server for display, i.e. instructions, or for trading/selling etc. for a limited time period in

real time. A second user at a remote console can then view the card in real time based

on the first user uploading the card for display. Therefore, the second user can only

display the card on their console if the first user has allowed access to the card by

placing it in a trading area or an album, etc. The users can navigate between the pre-

captured photographic image and the second pre-captured photographic image in

accordance with the navigating instructions from the user of the local video gaming

console. The navigated to pre-captured photo-graphic image is displayed on the

remote display in accordance with the navigating instructions (See Peppel col. 7 lines 3-

26) [claims 31, 57]. Peppel lacks in specifically disclosing that the remote gaming

console synchronizes and copies *display operations of the gaming console* so that a

user of the gaming console controls viewing of the digitized photographic image data

displayed on the remote display, and such that a second user views the digitized

photographic image data on the remote display *as the digitized photographic image*

data is being actively controlled by the user of the gaming console. Morris teaches of a

digital media system in which a second user can view the digital photo album of a first

user by their remote computer console synchronizing and coping the display operations

of the first user's computer (See Morris col. 7 lines 30-39; col. 8 lines 50-54; col. 9 lines

42-45) [claims 1, 19, 21, 29, 43, 53]. For example, the remote computer synchronizes

and copies the exact format display for the album from the first user's computer. Morris

further teaches that the second user can view the digitized photographic image data on

the remote display as the digitized image data is being actively controlled by the user of

the local computer. Therefore, the first user has current control of the local display (See

Morris col. 7 lines 30-39; col. 8 lines 50-54; col. 9 lines 42-45) [claims 1, 19, 21, 29, 43,

53]. For example, the first user creates an album and then "publishes" it on the

network. The second user can now view the album, however, the first user still has

active control of the album since they can decide to either edit the album or not allow it

to be published anymore. It would have been obvious to one of ordinary skill in the art at the time the invention was made to first copy the display operations of the gaming console, i.e. the way in which the album is being displayed/formatted. By synchronizing and copying the display operations, both users can view the album as it was intended to be displayed. Furthermore, it would have been obvious to one of ordinary skill in the art to have the second user viewing the digitized photographic image data on the remote display as the digitized photographic image data is actively controlled by the user of the gaming console. By allowing a first user to control when an album or photograph or trading card is capable of being viewed, they can limit the exposure of the pictures or cards to certain users. Furthermore, the first user can edit the photograph or card and thereby modify the card/photograph to their specifications.

Peppel further discloses receiving a selection instruction from the user of the local video gaming console selecting one of the plurality of images on the local display. A corresponding pre-photographic image is displayed and the image is also displayed on the remote display in accordance with the selection instruction (See Peppel col. 7 lines 3-26) [claims 33, 51, 54]. For example, a player can be browsing through their cards and select one for trading, the card that is selected is then displayed in the card trading area and a remote user can view the card. Peppel lacks in specifically disclosing that the images are thumbnail images. Morris teaches of using thumbnail images (See Morris col. 2 lines 13-19) [claims 4, 32, 50, 54]. Morris also teaches forwarding input selections to from one game controller to a remote gaming console, by creating editing and publishing digital images for a remote user to view. It would have

been obvious to one of ordinary skill in the art to use thumbnail images. Thumbnail

images are well known throughout the art and are used so that multiple pictures can be

displayed on the same screen due to their small size. It would have been obvious in

Peppel to use thumbnail images so that multiple pictures could fit on the same display

screen so that the user can view them simultaneously.

Claims 11-13, 24, 42, 52 and 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Peppel in view of Morris in further view of Webb et al., U.S.

Patent No. 6,325,756 B1. Peppel further discloses that the communications program

comprises an applet for enabling two-way communications between the gaming console

and the remote party (See Peppel col. 8 lines 48-57) [claims 11, 24]. The applet is

arranged to password protect access to part or all of the data to be transmitted by the

communications means with the user inputting a password associated with the data to

be transmitted (See Peppel col. 7 lines 4-7; col. 10 lines 31-35) [claim 12]. The

received data is password protected and the applet is arranged to enable access to part

or all of the received data once the user has input a correct password associated with

the received data (See Peppel col. 10 lines 31-35) [claims 13]. Peppel lacks in

disclosing displaying corresponding pointers on both displays. Webb teaches of

displaying a pointer on a local display using the local console in accordance with

instructions from the user at the local console. A corresponding pointer is displayed on

the remote display, wherein position of the pointer and position of the corresponding

pointer correspond to each other in accordance with instructions from the user of the

local console. Therefore, the two-way communications comprises pointer commands

from either a user of the gaming console or the second user of the remote gaming

console that are concurrently displayed on the domestic display unit and the further

domestic visual display (See Webb col. 2 lines 13-22; col. 4 lines 52-67) [claims 11, 24,

42, 52, 56]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have a pointer displayed on the local gaming console of Peppel

correspond to a pointer at the remote gaming console. By having corresponding

pointers, both users are able to understand what they are communication about.

Consequently, in Peppel if corresponding pointers were used, the players would know

exactly what card they were talking about with regards to card trades.

Response to Amendment

It has been noted that claims 1, 11, 19, 21, 24, 29, 43 and 53 have been

amended.

Response to Arguments

Claim rejections under 35 U.S.C 112 are dropped because of claim

admentments.

Applicant's arguments filed April 7, 2006 have been fully considered but they are

not persuasive.

Applicant argues that Peppel does not disclose, teach or suggest the feature "of

forwarding the selections made by the first gaming machine to the remote gaming

machine, and controlling how the photographic image data is presented, wherein the

gaming console and the remote gaming console communicate via the wide area

network such that the remote gaming console synchronizes and copies display

operations of the gaming console so that a user of the gaming console controls viewing

of the digitized photographic image data displayed on the remote display, and such that

a second user views the digitized photographic image data on the remote display as the

digitized photographic image data is being actively controlled by the user of the gaming

console." Applicant argues that Peppel instead discloses a system where a first user

posts an electronic trading card online and a second user who downloads the electronic

trading card for viewing on his or her computer without any involvement of the first user.

The Examiner disagrees. Peppel clearly teaches of a gaming console and a remote

gaming console communicating via the wide area network. For example, players can

post cards and messages to send and communicate with other users. Forwarding there

selections made by them to other game players so that this data can be viewed on a

second gaming machine. While Peppel does not clearly state that the remote gaming

console synchronizes and copies display operations of the gaming console, Morris does

teach this limitation. In Morris a user creates/authors a photo album and publishes it on

the Internet so that other users can view the album. When it is published, a remote

system synchronizes and copies the display operations of the first user's system in

order to keep the photo album in the same display format as that created by the first

user. Morris also teaches that as a second user views the album, the photographic

image data is actively controlled by the first user. For example, while the second user is

viewing the album, the first user can be editing the album or deciding not to publish the

album anymore, thereby, retaining active control over the image data. Therefore, giving the claims their broadest reasonable interpretation the combination of Peppel and Morris meet Applicant's claim limitations.

The Examiner also notes that these limitations that Applicant is arguing are functional language limitations/ "intended use" and while the Examiner believes that Peppel and Morris meet these limitations it is noted that for claims 1, 19, 21 and 43 (apparatus claims) the prior art only needs to recite the structurally claim limitations and not the functional limitations. Please see MPEP 2114. The applicant has stated that the MPEP does not state this, and argures inherent characteristics, no inherent characteristics where argued, all the limitations of the claims were structurally shown. Where apparatus claims cover what a device is , not what a device does.

Applicant further argues that Peppel fails to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller, if this were true the invention would not work where a user would not be able to view what selections they have made. Morris teaches creating a album and publishing it for others to see, and the first user still can edit and look at what they have put out for viewing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alan Cross whose telephone number is 571-272-5529.

The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC   571-272-5529

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